

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

A. STATUS OF THE CLAIMS

As a result of the present amendment, claims 18-31 are presented in the case for continued prosecution. Claim 18 has been amended to recite that the frame is rigidly mounted within and directly connected to the housing. Support for this amendment can be found, for example, at page 4, lines 5-6 and at page 5, lines 8-9. Support can also be found, for example, in Figure 2 where frame 3 is rigidly mounted within casing 1. Claim 18 has also been amended to recite that the housing has a rim portion within which the frame is located. Support for this amendment can be found, for example, at page 4, lines 3-4. Support can also be found, for example, in Figure 2 where frame 3 is mounted using rim portion 4.

B. THE INVENTION

The present invention, as defined by the amended claims, includes a vehicle rear view mirror having a housing and a mirror lens carried by a location frame that is rigidly mounted within and directly connected to the housing. The housing has a rim portion within which the frame is located without extending laterally over the outer edges of the housing.

One of the advantages of the claimed invention is that the mirror lens and the frame can easily fit into the housing, thus providing simple assembly and reducing the possibility of damage to the mirror lens (page 2, lines 1-5).

C. ALLOWABLE SUBJECT MATTER

The Examiner had indicated that the subject matter of claim 23 is allowable.

D. REJECTIONS UNDER 35 U.S.C. § 102(b)

The Examiner had rejected the subject matter of claims 18-21 and 25-31 under 35 U.S.C. § 102(b) as being anticipated by Mampe (DE 32 06 755). In order to maintain an

anticipation rejection under 35 U.S.C. §102, a prior art reference must disclose each and every element of the rejected claims with sufficient clarity to prove its existence in the prior art. Furthermore, under 102(b), a patent is barred if the invention was "patented or described in a printed publication in this or a foreign country" more than one year prior to the applicant's date of invention. The description must enable a person with ordinary skill in the art not only to comprehend the invention but also to make it.

Mampe teaches a movable mirror mounted within, and spaced apart from a curved housing. As shown in Figure 1 of Mampe, mirror 3 is carried by frames 1 and 2 which are attached to holder 15 (halterung 15). Holder 15 is in turn attached to housing 13. Frames 1 and 2 are attached to holder 15 by means of ball and socket joint 14 (kugelgelenk 14) to provide for adjustment of mirror 3 within housing 13.

The present invention differs from Mampe because the frame of the present invention is located within a rim portion of the housing¹. Thus, the frame of the present invention mates with the housing to provide for a direct connection of the frame to the housing. This direct connection allows for the frame to be resiliently engaged within the housing (page 2, lines 8-11). Mampe clearly differs from this construction, as frames 1 and 2 of Mampe are significantly spaced from housing 13. Thus, frames 1 and 2 of Mampe are not directly connected to, and located within a rim of the housing as recited in claim 18.

Furthermore, the present invention differs from Mampe because frames 1 and 2 of Mampe are not rigidly mounted within and directly connected to the housing as recited in claim 18. Figure 1 of Mampe illustrates that frames 1 and 2 are rotatable about ball and socket joint 14 within housing 13. This is by no means a rigid mounting between frames 1 and 2 and housing 13 of Mampe. Mampe therefore does not achieve the effects of the present invention, where the frame is resiliently engaged to the housing thus providing simple assembly and reducing the possibility of damage to the mirror lens.

¹ The enclosed printout from the Merriam-Webster Online Dictionary evidences that a "rim" is an "edge or border of something".

Applicant also submits that it would not be obvious to modify the apparatus of Mampe to rigidly fix frames 1 and 2 to housing 13 as recited in claim 18. First, mirror 3 of Mampe would lose all adjustment capability if frames 1 and 2 were rigidly attached to housing 13. This is true since Mampe does not disclose any adjustment means for housing 13 itself, thereby implying that housing 13 is directly fixed to a mounting surface. It is therefore necessary for frames 1 and 2 of Mampe to be spaced apart from housing 13, not rigidly fixed to housing 13, if any adjustment of mirror 3 is desired.

Second, it would not be obvious to mount frames 1 and 2 of Mampe at the rim of housing 13 as recited in claim 18. Such a modification would cause frames 1 and 2 to not fit within housing 13, since the extreme boundaries of frames 1 and 2 would project beyond the dimensions of housing 13. Again, the configuration of Mampe provides motivation to space the frames away from the housing. Thus, Mampe teaches away from mounting frames 1 and 2 at the rim of housing 13. Applicant therefore submits that it would not be obvious to modify the apparatus of Mampe to arrive at the present invention.

E. REJECTIONS UNDER 35 U.S.C. § 103(a)

The Examiner had rejected the subject matter of claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Mampe in view of Lang (US 6,328,451). The Examiner had also rejected the subject matter of claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Mampe.

Claims 22 and 24 are ultimately dependent upon claim 18. Thus, it is submitted that claims 22 and 24 are allowable in light of the discussion of claim 18 above.

In addition, Applicant notes that Lang has been cited to teach a lens engagement means having one or more abutments adapted to engage the lens. Lang does not teach a vehicle rear view mirror having a frame rigidly mounted within and directly connected to the housing, wherein the housing has a rim portion within which the frame is located as recited in claim 18. Therefore, a combination of Mampe and Lang does not teach the present invention as recited in claim 18.

F. FEES

A one-month extension of time is hereby requested and PTO Form 2038 is enclosed to cover the appropriate government fee. If it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275. Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

G. CONCLUSION

In view of the actions taken and arguments presented, it is respectfully submitted that each and every one of the matters raised by the Examiner have been addressed by the present amendment and that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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4 entries found for **rim**.
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rim[1,noun]
 rim[2,verb]
 Pacific Rim
 Pacific Rim National Park



Main Entry: ¹**rim**
Pronunciation: 'rim
Function: *noun*
Etymology: Middle English, from Old English *rima*; akin to Old Norse *rimi* strip of land
1 a : BRINK b : the outer often curved or circular edge or border of something
2 a : the outer part of a wheel joined to the hub usually by spokes **b :** a removable outer metal band on an automobile wheel to which the tire is attached
3 : FRAME 4c(1)
- rim.less /-1&5/ *adjective*

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